

MAR 20 2009

JS 44 (Rev. 12/07)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of maintaining the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

CIVIL COVER SHEET

I. (a) PLAINTIFFS

Susan MacDonald, individually and on behalf of all others similarly situated

(b) County of Residence of First Listed Plaintiff United States
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

See Exhibit A (attached)

DEFENDANTS

See Exhibit B (attached)

County of Residence of First Listed Defendant Canada

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

09 1172

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

| Citizen of This State | PTP | DEF | PTP | DEF |
|----------------------------|----------------------------|---|----------------------------|----------------------------|
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated & Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

BLOCK, J.
GOLD, M.J.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|--|--|--|---|
| <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> PERSONAL INJURY | <input type="checkbox"/> 610 Agriculture | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 620 Other Food & Drug | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input checked="" type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> PROPERTY RIGHTS | <input type="checkbox"/> 420 Banks and Banking |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 630 Liquor Laws | <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 430 Commerce |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgments | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 830 Patent | <input type="checkbox"/> 440 Deportation |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 650 Airline Regs. | <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 660 Occupational Safety/Health | <input type="checkbox"/> 850 Consumer Credit | <input type="checkbox"/> 480 Cable/Sat TV |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 860 Selective Service | <input type="checkbox"/> 490 |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 700 FAIR LABOR STANDARDS ACT | <input type="checkbox"/> 855 Securities/Commodities/Exchange | <input type="checkbox"/> 500 Customer Challenge |
| <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 720 Labor/Mgmt. Relations | <input type="checkbox"/> 875 12 USC 3410 | <input type="checkbox"/> 510 Other Statutory Actions |
| <input type="checkbox"/> 193 Contract Product Liability | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act | <input type="checkbox"/> 890 Agricultural Acts | <input type="checkbox"/> 520 Environmental Matters |
| <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 740 Railway Labor Act | <input type="checkbox"/> 892 Economic Stabilization Act | <input type="checkbox"/> 530 Energy Allocation Act |
| <input type="checkbox"/> REAL PROPERTY | <input type="checkbox"/> 443 Housing/ Accommodations | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 893 Freedom of Information Act | <input type="checkbox"/> 540 Mandamus & Other |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice | <input type="checkbox"/> 550 Civil Rights |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> IMMIGRATION | <input type="checkbox"/> 950 Constitutionality of State Statutes | <input type="checkbox"/> 555 Prison Condition |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 446 Amer. w/Disabilities - Other | <input type="checkbox"/> 462 Naturalization Application | | |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee | | |
| <input type="checkbox"/> 245 Tort Product Liability | | <input type="checkbox"/> 465 Other Immigration Actions | | |
| <input type="checkbox"/> 290 All Other Real Property | | | | |

V. ORIGIN

(Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Statutes 15 U.S.C., Section 1 and 15 U.S.C., Section 15Brief description of cause: **Price Fixing of Air Freight Shipping Surcharges**

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes NoVIII. RELATED CASE(S)
IF ANY

(See instructions):

JUDGE John Gleeson/Viktor Pohorelsky

DOCKET NUMBER 1:06-md-01775

DATE

March 20, 2009
FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

Signature: *Maryla Lier*

Date: Mar-1172

ARBITRATION CERTIFICATION

I, J. Douglas Richards, counsel for Susan MacDonald do hereby certify pursuant to the Local Arbitration Rule 83.10 that to the best of my knowledge and belief the damages recoverable in the above captioned civil action exceed the sum of \$150,000 exclusive of interest and costs. Relief other than monetary damages is sought.

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more or its stocks:

Please refer to NY-E Division of Business Rule 50.1(d)(2)

1.) Is the civil action being filed in the Eastern District of New York removed from a New York State court located in Nassau or Suffolk County? No

2.) If you answered "no" above:

a.) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? No

b.) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? _____

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes ✓

No _____

Are you currently the subject of any disciplinary action(s) in this or any other state or federal court?

Yes _____ (If yes, please explain)

No ✓

Please provide your E-MAIL Address and bar code below. Your bar code consists of the initials of your first and last name and the last four digits of your social security number or any other four digit number registered by the attorney with the Clerk of Court.

(This information must be provided pursuant to local rule 11.1(b) of the civil rules).

ATTORNEY BAR CODE: JR6038

E-MAIL Address: drichards@cohenmilstein.com

I consent to the use of electronic filing procedures adopted by the Court in Administrative Order No. 97-12, "In re Electronic Filing Procedures(EFP)", and consent to the electronic service of all papers.

Signature: J. Douglas Richards